

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

L.S.,

Plaintiff,

v.

TACOMA SCHOOL DISTRICT, a political
subdivision of the State of Washington,

Defendant.

No. 3:13-cv-05240

COMPLAINT

COMES NOW the above-named Plaintiff, by and through her attorneys of record, John R. Connelly, Jr. and Nathan P. Roberts of Connelly Law Offices, and by way of claim alleges upon personal knowledge as to herself and her own actions, and upon information and belief upon all other matters, as follows:

I. PARTIES

1. Defendant TACOMA SCHOOL DISTRICT (“the District”) is a political subdivision of the State of Washington and a recipient of federal financial assistance. The District provides public education services through its schools, including Mt. Tahoma High School, which is located in Pierce County, Washington.

2. Plaintiff L.S. is an individual who attended Mt. Tahoma High School at

1 relevant times.

2 **II. JURISDICTION AND VENUE**

3 3. This Court has jurisdiction pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1367.

4 4. Venue is proper in the Western District of Washington pursuant to 28 U.S.C. §
5 1391 because Defendant TACOMA SCHOOL DISTRICT resides in this judicial district and
6 because a substantial portion of the events and omissions giving rise to this claim occurred in
7 Pierce County, Washington, within the Western District of Washington.

8 **III. STATEMENT OF FACTS**

9 5. L.S. is developmentally-delayed and disabled, but she is working hard to
10 overcome her deficits, complete her education, and become a productive, contributing
11 member of society.

12 6. L.S. was a student at Mt. Tahoma High School in early-2012, when a male
13 student began harassing and stalking her.

14 7. L.S. and her guardians reported this alarming behavior to the Defendant
15 District's employees and officials, but the Defendant District failed to take proper steps to
16 protect L.S. from additional or escalating harassment and abuse.

17 8. In fact, the Defendant District did absolutely nothing to protect L.S. from the
18 male student who was harassing and stalking her.

19 9. The male student was not disciplined or expelled for harassing and stalking
20 L.S.

21 10. The male student was not removed from the classrooms where L.S. attended
22 class.

23 11. No restrictions were placed on the male student's interactions with L.S.

1 12. No safety plan was put into place to protect L.S.

2 13. No additional monitoring or supervision was provided to protect L.S.

3 14. In these failures, the Defendant District was deliberately indifferent and fell
4 well-below the required standard of care for protecting L.S. from further stalking, harassment,
5 and sexual assault.

6 15. As a direct and proximate result of the Defendant District's deliberate
7 indifference and gross negligence, L.S. was subsequently sexually assaulted and raped by the
8 male student who had been stalking her. L. S. experienced substantial fear, anxiety, terror,
9 and post-traumatic stress, and she was effectively denied the educational opportunities the
10 Defendant District was supposed to be providing.

11 **IV. STATUTORY COMPLIANCE**

12 16. More than sixty (60) days have lapsed since Plaintiff properly presented her
13 claim for damages to Defendant TACOMA SCHOOL DISTRICT.

14 17. Any prerequisite to the maintenance of this action imposed by RCW 4.96 has
15 therefore been satisfied.

16 **V. FIRST CAUSE OF ACTION – VIOLATION OF TITLE IX**

17 18. Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681(a), provides
18 that no person "shall, on the basis of sex, ... be denied the benefits of, or be subjected to
19 discrimination under any education program or activity receiving Federal financial
20 assistance."

21 19. Defendant TACOMA SCHOOL DISTRICT receives Federal financial
22 assistance, within the meaning of 20 U.S.C. § 1681(a).

23 20. Plaintiff L.S. alerted officials at the TACOMA SCHOOL DISTRICT that she

1 was being harassed and stalked by a male student. In particular, Plaintiff alerted the Mt.
2 Tahoma Principal and/or Assistant Principal of this male student's threatening and dangerous
3 behavior.

4 21. The Mt. Tahoma Principal and/or Assistant Principal were officials who had
5 authority to address the problem and to institute corrective measures on the Defendant
6 District's behalf. They had actual knowledge of discrimination and failed adequately to
7 respond.

8 22. In fact, after being notified of the ongoing harassment and stalking, Defendant
9 TACOMA SCHOOL DISTRICT was deliberately indifferent and took no steps whatsoever to
10 prevent further harassment, stalking, and violence by the male student.

11 23. Defendant TACOMA SCHOOL DISTRICT exercised substantial control over
12 both the harasser (a fellow student) and the context in which the known harassment was
13 occurring (the Mt. Tahoma High School campus). Despite having the ability and the
14 obligation to act, Defendant TACOMA SCHOOL DISTRICT failed to do so.

15 24. The deliberate indifference of Defendant TACOMA SCHOOL DISTRICT
16 subjected Plaintiff L.S. to further harassment, sexual assault, and forcible rape.

17 25. The harassment and stalking reported by Plaintiff L.S. was sufficiently severe,
18 pervasive, and objectively offensive that it effectively deprived her of access to the
19 educational opportunities or benefits provided by the Defendant District.

20 **VI. SECOND CAUSE OF ACTION – NEGLIGENCE**

21 26. Defendant TACOMA SCHOOL DISTRICT owed a duty or reasonable and
22 ordinary care to the Plaintiffs.

23 27. Defendant TACOMA SCHOOL DISTRICT breached that duty when, among

1 other things, it failed to take proper steps to prevent L.S. from ongoing sexual harassment and
2 rape.

3 28. Defendant TACOMA SCHOOL DISTRICT breached that duty when, among
4 other things, it failed to provide adequate security to protect L.S. and the other students on the
5 Mt. Tahoma campus.

6 29. Defendant TACOMA SCHOOL DISTRICT breached that duty when, among
7 other things, it failed to have and follow proper policies and procedures to prevent peer-on-
8 peer sexual harassment, sexual assault, and rape.

9 30. Defendant TACOMA SCHOOL DISTRICT breached that duty when, among
10 other things, it failed to properly train its staff and employees to deal with and prevent sexual
11 harassment, sexual assault, and rape.

12 31. As a direct and proximate result of these and other breaches by Defendant
13 TACOMA SCHOOL DISTRICT, the Plaintiff was sexually assaulted and raped; she has
14 suffered and will continue to incur general and special damage in an amount to be proven at
15 trial.

16 **VII. PRAYER FOR RELIEF**

17 WHEREFORE, Plaintiff L.S. requests a judgment against Defendant TACOMA
18 SCHOOL DISTRICT:

- 19 (a) Awarding general and special damages in an amount to be proven at trial;
20 (b) Awarding attorneys' fees and all costs of suit, pursuant to 42 U.S.C. § 1988 or
21 as otherwise available under the law;
22 (c) Awarding any and all applicable interest on the judgment;
23 (d) Issuing an injunction to prevent future such injustices; and

(e) Awarding such other and further relief as the Court deems just and proper.

VIII. DEMAND FOR JURY TRIAL

Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiffs hereby demand a jury for all issues so triable.

DATED this 28th day of March, 2013.

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